

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CHARLES TERRY and
ALICE TERRY,

Plaintiffs,

v.

WALTON E. STONE and
WERNER ENTERPRISES, INC.,

Defendants.

CIVIL ACTION NO.:1:05-cv-00923

At Wilmington this ____ day of _____, 2006, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ., P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that;

1. **Pre-Discovery Disclosures.** The parties will exchange by March 3, 2006 the information required by Fed. R. Civ. P. 26(a) (1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects Plaintiff will take the deposition of the defendant, Walton Stone .The plaintiff may take any depositions and/or discovery based upon the information obtained from the depositions and interrogatories directed to the employer and driver.

Defendants will depose plaintiff and may depose others depending upon discovery.

(b) All Discovery shall be commenced in time to be completed by October 1, 2006.

(c) Maximum of .50 interrogatories by each party to any other party.

(d) Maximum of 25 requests for admission by each party to any other party.

(e) Maximum of 5 depositions by plaintiff and 5 by defendant.

(f) Each deposition limited to a maximum of 3 hours unless extended by agreement of the parties.

(g) Reports from retained experts under Rule 26(a) (2) by the plaintiff will due by June 15, 2006. Defendants' expert reports are due by August 15, 2006 and rebuttal reports are due by August 30, 2006.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to two (2) Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of the deposition and disputes related to entry of a protective order.

3. Joinder of other Parties, Amendment of Pleading, and Class Certification. All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before May 1, 2006.

4. Settlement Conference. Pursuant to 28 U.S.C. §636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

5. Application by Motion. Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not

deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1,**

6. **Motions in Limine.** All motions in limine shall be filed on or before 2 weeks before pretrial conference. All responses to said motions shall be filed on or before one week before pretrial conference.

7. Pretrial Conference. A pretrial conference will be held on _____ at _____ in courtroom 6B, sixth floor, Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

8. Trial. This matter is scheduled for a jury trial commencing on _____ in courtroom 62, sixth floor, Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

Sue L. Robinson

United States District Judge